

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HARRIS PICTURES LLC,

Plaintiff

v.

MICHAEL SIMON,

Defendant

Case No.: 2:24-cv-01611-APG-BNW

**Order Granting Motion to Expedite,
Accepting Report and Recommendation,
and Dismissing Case**

(ECF Nos. 11, 13)

On October 24, 2024, Magistrate Judge Weksler recommended dismissal of plaintiff Tyler Harris' complaint because this court lacks subject matter jurisdiction over the case. ECF No. 11. Specifically, she pointed out that Harris cannot recover punitive damages for his breach of contract under Nevada law. Thus, the remaining damages claims do not satisfy this court's \$75,000 jurisdictional threshold for diversity cases. Harris filed an objection, but still requests punitive damages as the primary way to get over the \$75,000 threshold. ECF No. 12.

I have conducted a de novo review of the issues set forth in Judge Weksler's recommendation under Local Rule IB 3-2. Harris's objection does not rebut Judge Weksler's finding that this court lacks jurisdiction. Harris cannot recover punitive damages on his claim under Nevada law, so more than \$75,000 is not at stake in this case. Judge Weksler's Report and Recommendation sets forth the proper legal analysis and the factual basis for the decision, and I accept and adopt it as my own.

Harris also filed a motion requesting an expedited decision on his objection. ECF No. 13. Because I have ruled on his objection, I will grant the motion to expedite.

1 I THEREFORE ORDER that Harris's motion to expedite **(ECF No. 13) is granted.**

2 I FURTHER ORDER that the Report and Recommendation **(ECF No. 11) is accepted,**
3 and this case is dismissed. The clerk of the court is directed to enter Judgment accordingly.

4 DATED this 11th day of December, 2024.

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7 ANDREW P. GORDON
8 CHIEF UNITED STATES DISTRICT JUDGE
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